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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,249	04/25/2001	Kazuo Kuroda	Q64260	5288

7590 02/08/2008  
SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER
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DINH, MINH

ART UNIT	PAPER NUMBER
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2132

MAIL DATE	DELIVERY MODE
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02/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/841,249

Applicant(s)

KURODA ET AL.

Examiner

Minh Dinh

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-31 and 33-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-31 and 33-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment filed 12/04/07. Claims 25-26, 31, 33-34 and 37 have been amended; claims 42-43 have been added.

### ***Response to Arguments***

2. Applicant's arguments filed 12/04/07 have been fully considered but they are not persuasive.

With respect to the rejection of claim 25 under 35 USC 103(a), Applicant argues that "Bell merely discloses that information encrypted by the CSS scheme is **recorded** in DVD-ROM, **which is not a recordable information recording medium.**" (page 10, last paragraph).

First, any information recording medium is inherently recordable. If Bell's DVD-ROM were not a recordable information recording medium, then how could encrypted information be recorded in the DVD?

Second, Bell is not relied upon for the teaching of a recordable information recording medium. Oshima already discloses a recordable information recording medium wherein distributed and encrypted information can be decrypted by the encryption key recorded in the encryption key recording area (fig. 10; col. 11, lines 22-49). Bell is relied

upon for the teaching of utilizing CSS scheme in conformity with DVD-VIDEO standard, which Oshima lacks.

### ***Claim Objections***

3. Applicant is advised that should claim 31 be found allowable, claim 33 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25-31 and 33-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima et al. (EP 0 802 527 A1) in view of Bell ("The Dynamic Digital Disk").

Regarding claim 31, which is representative of claims 25-28, 33-35, 37-38 and 40-41, Oshima discloses an apparatus for distributing encrypted record information to a recordable information recording medium, the recordable information recording medium comprising a record information recording area for recording distributed and encrypted record information, and an encryption key recording area in which the encryption key has already been recorded before the record information is recorded, the apparatus comprising:

- a generating device for generating an encryption key, the encryption key being equal to the encryption key which has already been recorded before the record information is recorded (figures 1 and 10; col. 11, lines 22-49);

- an encrypting device which encrypts the record information (fig. 10);
- and

- a distributing device which distributes the encrypted record information to an information recording apparatus through a telecommunications line, wherein the information recording apparatus records the encrypted record information in the recordable information recording medium, wherein the recordable information recording medium is a recordable DVD disc (i.e., a DVD-RAM disc), and the distributed and

encrypted record information can be decrypted by the encryption key recorded in the encryption key recording area (fig. 10).

Oshima does not disclose using CSS (Content Scrambling System) for encryption and that the record information is encrypted based on the CSS in conformity with DVD-Video standard. Bell discloses that the DVD-Video specification, which offers many features, is used by all major studios (p. 30, left column, 3<sup>rd</sup> full paragraph – 5<sup>th</sup> paragraph) and that CSS scheme, in which a content encryption key is encrypted before being recorded in the lead-in area of a disk, is used as the encryption method for motion pictures in accordance with the DVD-Video specification (p. 32, left column, 3<sup>rd</sup> full paragraph; middle column, 2<sup>nd</sup> full paragraph). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Oshima apparatus to use the popular DVD-Video specification and its designated encryption method, the CSS, as taught by Bell, for compatibility purpose.

Regarding claims 29-30, 39 and 43, Bell further discloses that the content encryption key is different for each studio/manufacture (p. 32, middle column, 2<sup>nd</sup> full paragraph).

Regarding claim 42, Bell further discloses that the content encryption key is associated with the content; therefore, the content encryption key is common to every recording media recorded with the same content.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

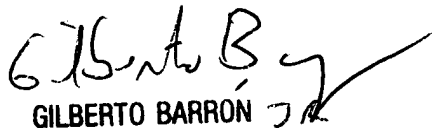
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MD/  
Minh Dinh  
Examiner  
Art Unit 2132

02/05/08

  
GILBERTO BARRÓN  
SUPERVISORY PATENT EXAMINER  
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